IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Bail Appl..No. 4190 of 2007()

CRIME NO.383/07 OF TALIPARAMBA POLICE STATION

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PETITIONER : 1ST ACCUSED:

V.V.RENJITHKUMAR, S/O.LATE BALAKRISHNAN NAYANAR, AGED 35 YEARS, BUSINESS , 'SHREYAS', P.O.KANHIRANGAD, TALIPARAMBA TALUK.

BY ADV. SRI.P.V.MADHAVAN NAMBIAR

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM (S.H.O. TALIPARAMBA POLICE STATION).

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4190 of 2007

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Dated this the 12th day of July, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations under Sections 498 A and 306 I.P.C. The wife of the petitioner committed suicide. She set herself ablaze on 2.6.2007 and succumbed to the burn injuries suffered by her on 8.6.2007. At the house, at the time of the commission of the crime, there was only the petitioner and the deceased. They are a young childless couple. The spouses appear to have undergone treatment for infertility. The petitioner is employed at Shimoga. He had taken his wife to Shimoga. His mother was alone at the native place. She had returned and the mother and the deceased were residing in the house with the petitioner making frequent visits to the house.

2. There is absolutely no specific indications to show at the moment that the petitioner was guilty of any culpable act of cruelty. Of course, there is a vague allegation that the mother of the petitioner i.e. the second accused in the case had been making attempts to blame her for the infertility and this had caused disturbance in the mind of

the deceased. There is also an equally vague suggestion that the petitioner used to stand by his mother when the deceased raised grievances against the conduct of the mother. Except these, there are no allegations pointing to any culpable or contumacious conduct on the part of the petitioner.

3. The learned counsel for the petitioner prays, the learned Prosecutor does not seriously oppose the said prayer and I am satisfied that the petitioner can be granted anticipatory bail, subject to appropriate conditions. The allegation under Section 306 I.P.C. obviously will not stand as no one has a case that the petitioner wanted to bring about the commission of suicide by his wife. On the question of offence under Section 498A I.P.C. a lenient view is liable to be taken in the facts of the case.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 19.7.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/-

(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 20.7.07 and 21.7.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 19.7.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 19.7.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 19.7.2007.

(R. BASANT)
Judge

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